

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/916,548	HARPER, CHARLES N.	
	Examiner	Art Unit	
	OJO O. OYEBISI	3696	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Board decision rendered on 03/30/2009.
2. ☒ The allowed claim(s) is/are 21-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

DETAILED ACTION

*Allowable Subject Matter*

Claims 21-42 are allowed.

*Examiner's Statement of Reason for Allowance*

The following is an examiner's statement of reasons for allowance for all claims:

**Re claims 21, 28, 35.** The prior arts fail to disclose a computer-implemented method for identifying an excess energy capacity in a production supply chain operated by a supply chain operator, comprising: identifying, by a supply chain optimizer, a potential production configuration for the production supply chain, wherein: (i) the supply chain operator also operates at least one power generation facility to sustain industrial production by the production supply chain, (ii) the supply chain operator is capable of both consuming and selling electricity produced by the power generation facility while operating the production supply chain, (iii) the potential production configuration is related to a target electricity production by the power generation facility, and (iv) the potential production configuration reduces a production output and energy consumption for at least some portion of the production supply chain or increases electricity production by the power generation facility during a given time period; determining, using a potential action valuation model, whether to reduce the production output of the production supply chain or increase electricity production by the power generation facility according to the potential production configuration to create the excess energy capacity during the time period; and if

Art Unit: 3696

production output is determined to be reduced or electricity production by the power generation facility is determined to be increased, selling the excess energy capacity created by implementing the potential production configuration during the time period for the production supply chain and the power generation facility. The closest prior art is also the best U.S prior art, Takriti (US 6,021,402). Takriti discloses a method for managing generating units 12 of an electric utility which handles multiple fuel, fuel constraints, varying fuel prices, power trading, and load uncertainty (col. 4, 11. 54 to 57). The system allows the user to model accurately the uncertain trading transactions and the changing fuel prices given many factors such as electric-load forecasts and fuel prices, reserve requirements for the system, and estimate of the price of electricity in the open market (col. 4, 1. 64 to col. 5, 1. 3). Takriti does not disclose a supply chain operator that operates at least one power generation facility to sustain industrial production by a production supply chain. Takriti discloses generating plant, not a production supply chain, which is connected to transmission lines for delivery to electrical power customers and to other utilities (col. 6, 11. 11 to 15). As such, there is no step disclosed in Takriti of determining whether to reduce production output or increase electricity production so as to create excess energy capacity.

Another prior art, Sanderson ("**Passing value to customers: on the power of regulation in the industrial electricity supply chain**," Supply Chain Management, v4n4 pp: 199 1999 ), discloses a descriptive and an analytical understanding of the supply chain for industrial electricity. Although, Sanderson discloses key functional stages in the supply chain for industrial electricity.

Art Unit: 3696

However, there is no disclosure in Sanderson of a supply chain operator that operates at least one power generation facility to sustain industrial production by a production supply chain.

Updated searches revealed no references that disclosed the claimed inventions nor were any secondary references identified which could be reasonably combined with Takriti. The drawings submitted on 07/27/01 are acceptable. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3696

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/  
Primary Examiner, Art Unit 3696